

Attorney Docket No.: 0200105

REMARKS

After the present response, claims 1, 3-13, 15, 16, and 18-20 are pending in the present application. Reconsideration and allowance of pending claims 1, 3-13, 15, 16, and 18-20 in view of the following remarks are requested.

A. Rejections of Claims 1 and 3-12 under 35 USC §103

The Examiner has rejected claims 1 and 3-12 under 35 USC §103 as being obvious with respect to U.S. Patent Number 6,351,530 B1 to Rahamim, et al. ("Rahamim"), U.S. Patent Number 6,163,447 to Pitsch, et al. ("Pitsch"), and U.S. Patent Number 5,642,416 to Hill, et al. ("Hill"). Applicant respectfully submits that the present invention, as defined by independent claim 1, is patentably distinguishable over Rahamim, Pitsch, and Hill. In any event, Applicant can disqualify, and does disqualify, Rahamim under 35 USC §103(c).

Under 35 U.S.C. §103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." (Emphasis added). In the present application, Rahamim has been cited under 35 USC §103, and qualifies as prior art only under 35 USC §102(e).

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The present application, i.e. U.S. Application Number 09/676,742 filed on September 29, 2000, and Rahamim were, at the time the invention of the present application was made, owned by Conexant Systems, Inc. To evidence this ownership, reference is made to Exhibit A which is a true and correct copy of Pages 1 and 2 of the "Notice of Recordation of Assignment Document" in the present application (Application Number 09/676,742). Pages 1 and 2 of the "Notice of Recordation of Assignment Document" evidence assignment to Conexant Systems, Inc. at the time the present application (Application Number 09/676,742) was filed. Further, based on the bibliographic data of Rahamim (appearing on the first page of patent number 6,351,530 B1 to Rahamim), it is apparent that Rahamim was filed on November 16, 1998 and was assigned to Conexant Systems, Inc.

Thus, as evidenced from Exhibit A and the bibliographic data of Rahamim, Conexant Systems, Inc. was the assignee of both the present application and Rahamim at the time the present invention was made. For these reasons, Applicant respectfully submits that Rahamim is disqualified as prior art under the provisions of 35 U.S.C. §103. Accordingly, Applicant respectfully submits that the rejections of claims 1 and 3-12 under 35 U.S.C. §103 as being obvious with respect to the art of record have been overcome and that, therefore, claims 1 and 3-12 should now be allowed.

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B. Rejections of Claims 13 and 15 under 35 USC §103

The Examiner has rejected claims 13 and 15 under 35 USC §103 as being obvious with respect to Rahamim, Pitsch, PCT International Application Publication WO 98/54813 to Ausmus, et al. ("Ausmus"), and Hill. For the reasons discussed below, Applicant respectfully submits that the present invention, as defined by independent claim 13, is patentably distinguishable over Rahamim, Pitsch, Ausmus, and Hill. In any event, Applicant can disqualify, and does disqualify, Rahamim under 35 USC §103(c) as discussed above. Accordingly, Applicant respectfully submits that the rejections of claims 13 and 15 under 35 U.S.C. §103 as being obvious with respect to the art of record has been overcome and that, therefore, claims 13 and 15 should now be allowed.

C. Rejections of Claims 16 and 18-20 under 35 USC §103

The Examiner has rejected claims 16 and 18-20 under 35 USC §103 as being obvious with respect to Rahamim, Pitsch, and Hill. For the reasons discussed below, Applicant respectfully submits that the present invention, as defined by independent claim 16, is patentably distinguishable over Rahamim, Pitsch, and Hill. Applicant respectfully submits that the present invention, as defined by independent claim 13, is patentably distinguishable over Rahamim, Pitsch, and Hill. In any event, Applicant can disqualify, and does disqualify, Rahamim under 35 USC §103(c) as discussed above. Accordingly, Applicant respectfully submits that the rejections of claims 16 and 18-20 under 35 U.S.C.


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§103 as being obvious with respect to the art of record has been overcome and that, therefore, claims 16 and 18-20 should now be allowed

D. Conclusion

Based on the foregoing reasons, the present invention, as defined by independent claims 1, 13, and 16, and claims depending therefrom, is patentably distinguishable over the art cited by the Examiner. Thus, outstanding claims 1, 3-13, 15, 16, and 18-20 are patentably distinguishable over the art cited by the Examiner. As such, and for all the foregoing reasons, an early Notice of Allowance directed to all claims 1, 3-13, 15, 16, and 18-20 remaining in the present application is respectfully requested.

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Respectfully Submitted,
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